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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,070	11/29/2000	Morris Humphreys	NC25565	8676

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EXAMINER	
MILORD, MARCEAU	
ART UNIT	PAPER NUMBER
2682	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,070	Applicant(s) HUMPHREYS ET AL.	
	Examiner Marceau Milord	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirola et al (US Patent No 6415138 B2) in view of Mischenko (US Patent No 5982881).

Regarding claims 1-3, Sirola et al discloses a flexible cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) having a lens portion, said lens portion having a lens perimeter, and wherein said mobile station (1 of figs. 1-2) has at least one button portion (3b-3d of fig. 2) comprising: a front surface having a translucent portion (col. 3, lines 10- 52; col. 4, lines 34- 60) said translucent portion being capable of mounting over at least one button portion (col. 59- col. 4, line 15; col. 5, lines 44- 67).

However, Sirola et al does not specifically disclose the feature of at least one strap; and at least one rim wherein the rim may be stretched to hold the lens portion.

On the other hand, Mischenko, from the same field of endeavor, discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate (col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claims 4 and 5, Sirola as applied to claim 1 above differs from claims 4 and 5 in that Sirola and Braund fail to disclose one strap that comprises two straps; and a strap broad side that is contiguous with a surrounding surface of the at least one rim.

However, Mischenko discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate (col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claims 6 and 7, Sirola and Braund as applied to claim 1 above differ from claims 6 and 7 in that Sirola and Braund fail to disclose a bumper near the rim at one extremity.

However, Mischenko discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate

(col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claim 8, Sirola et al as modified discloses a flexible cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the translucent portion has at least one symbol (col. 4, lines 52- 67).

Regarding claim 9, Sirola et al discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) having a display (3 of fig. 2; col. 3, lines 15- 52) comprising: a transparent lens supported over the display (col. 4, lines 35- 67).

However, Sirola et al does not specifically disclose the feature of one key-dome switch comprising: at least one lever arm supporting at least one key-top over said at least one key-dome; at least one fastening means.

On the other hand, Mischenko, from the same field of endeavor, discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The

housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate (col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claim 10, Sirola et al as modified discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the transparent lens is elevated from a surrounding surface (col. 5, lines 19- 67).

Regarding claim 11, Sirola et al as modified discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the transparent lens has at least one wall having an acute angle with the surrounding surface (col. 5, lines 57- col. 6, line 43).

Regarding claim 12, Sirola et al discloses a button configuration for a mobile station (figs. 1-2) comprising: a substantially flat elastomeric sheet extending over the key-top (col. 3, line 31- col. 4, line 10; col. 5, lines 1- 64).

However, Sirola et al does not specifically disclose the feature of a key-dome switch; a key-top supported over the key-dome switch.

On the other hand, Mischenko, from the same field of endeavor, discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate (col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claims 13-16, Sirola et al as applied to claim 12 above differs from claims 13, 14, 15, 16 in that fails to disclose a key-top that is supported by a lever arm and a clear lever arm; and a common material that has a means for fastening to a printed circuit board.

However, Mischenko, discloses a radiotelephone handset that includes a housing having a front housing portion and a rear housing portion and a faceplate attached to the front housing portion and having an outer surface having a distinctive user interface appearance and an inner surface. The radiotelephone handset further includes a keypad cover movable between a first position and a second position (col.3, lines 35-67). Furthermore, the housing includes a plurality of keypad holes, a display lens and an earpiece hole. The plurality of keypad holes form a part of the keypad interface and permits electrical and mechanical contact between the individual keys of the keypad and the control circuitry contained within the housing. The display lens has a particular appearance and forms a part of the display interface and protects a display controlled by the control circuitry within the housing. The housing includes a front face and a rear face. The front face includes a recessed portion defined by a perimeter. The front face further includes one or more slots (col. 4, line 28-67). The faceplate ha an outer surface, an inner surface and a perimeter. The latch keeper includes a flat arm having a first aperture and a second aperture (figs. 2-8; col. 5, line 14- col. 6, line 66). In addition, the keypad cover covers a portion of the keypad in the first position and the keypad cover exposes a portion of the keypad in the second position. The radiotelephone handset further comprises a hinge for rotational movement of the keypad cover between the first position and the second position. The hinge rotatably couples the keypad

cover to the faceplate and the keypad cover and hinge are integrally formed with the faceplate (col. 7, line 24- col. 8, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mischenko the system of Sirola in order to optimize the radiotelephone handset.

Regarding claim 17, Sirola et al as modified discloses a button configuration for a mobile station (figs. 1-2) wherein the substantially flat elastomeric sheet has a tactile cue (col. 5, lines 30- 64; col. 6, lines 32- 64).

Claim 18 contains similar limitations addressed in claims 12, 13 and 14, and therefore is rejected under a similar rationale.

Regarding claim 19, Sirola et al as modified discloses a button configuration for a mobile station (figs. 1-2) wherein the substantially flat elastomeric sheet has a symbol (col. 4, lines 35-67).

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord

Examiner

Art Unit 2682